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“Human Trafficking In India: An Analysis Of Government Measures For Prevention And Rehabilitation”

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Abstract

Human trafficking is one of the most serious forms of organised crime and a major violation of human rights. It involves the recruitment, transportation, transfer, harbouring or receipt of persons through force, coercion, abduction, fraud, deception, abuse of power or inducement for the purpose of exploitation. In India, human trafficking affects women, children and vulnerable sections of society, particularly those facing poverty, unemployment, social exclusion, lack of education and unsafe migration. Victims may be exploited for commercial sexual exploitation, forced labour, domestic servitude, begging, forced marriage and other forms of exploitation. The Government of India has adopted constitutional, legislative, administrative and welfare measures to prevent trafficking, prosecute traffickers and rehabilitate survivors. Important measures include Article 23 of the Constitution, the Immoral Traffic (Prevention) Act, 1956, the Protection of Children from Sexual Offences Act, 2012, the Bonded Labour System (Abolition) Act, 1976, Anti-Human Trafficking Units, the Ujjawala scheme, Mission Shakti and Shakti Sadan. The Bharatiya Nyaya Sanhita, 2023, which came into force on 1 July 2024, contains a specific provision on trafficking of persons under Section 143. Despite these measures, challenges remain in identification, investigation, prosecution, inter-state coordination, victim rehabilitation and prevention. This article examines the nature and causes of human trafficking in India, its consequences, major government measures and suggestions for strengthening the response.

Keywords: Human Trafficking, Women, Children, Forced Labour, Exploitation, Anti-Human Trafficking Units, Government of India, Rehabilitation, Human Rights.

1. Introduction

Human trafficking is a grave social, economic and human-rights problem. It reduces human beings to commodities and subjects victims to different forms of exploitation. Trafficking can occur within a village, between districts and states, or across international borders. It may involve organised criminal networks, intermediaries, fraudulent employment agencies or individuals who take advantage of vulnerable people.

India's large population, regional disparities, poverty, unemployment, migration and differences in economic opportunities create conditions that traffickers can exploit. Women and children are particularly vulnerable, although men can also become victims, especially in situations involving forced labour and

exploitation. Trafficking is not limited to sexual exploitation. It may also involve forced labour, domestic servitude, begging, forced marriage, slavery-like practices and forced removal of organs.

The Government of India recognises trafficking as a serious criminal and social problem. Article 23(1) of the Constitution prohibits trafficking in human beings and forced labour. India has also enacted several laws and implemented institutional mechanisms to prevent trafficking, rescue victims, prosecute offenders and support rehabilitation.

The present study examines human trafficking in India and analyses the major measures taken by the Indian Government to address this problem.

2. Meaning and Nature of Human Trafficking

Human trafficking is essentially the exploitation of people through illegal recruitment, transportation, transfer, harbouring or receipt. Under Section 143 of the Bharatiya Nyaya Sanhita, 2023, trafficking includes recruiting, transporting, harbouring, transferring or receiving persons for exploitation through threats, force, coercion, abduction, fraud, deception, abuse of power or inducement. The law recognises physical exploitation, sexual exploitation, slavery or practices similar to slavery, servitude, begging and forced removal of organs as forms of exploitation. It also states that the consent of the victim is immaterial for determining the offence of trafficking.

Human trafficking can therefore be understood through three major elements:

- a) **The act** – recruitment, transportation, transfer, harbouring or receipt of a person.
- b) **The means** – force, threats, coercion, abduction, fraud, deception, abuse of power or inducement.
- c) **The purpose** – exploitation of the victim.

The problem is particularly serious because victims often cannot freely leave the exploitative situation. Traffickers may control victims through physical violence, threats, debt, confiscation of documents, psychological pressure or economic dependence.

3. Major Forms of Human Trafficking in India

Human trafficking occurs in different forms depending on the social and economic circumstances of victims.

Trafficking for Commercial Sexual Exploitation

Women and girls may be trafficked through false promises of employment, marriage or better living conditions and subsequently subjected to commercial sexual exploitation. Poverty, gender inequality and lack of employment opportunities can increase vulnerability.

Trafficking for Forced Labour

Workers may be recruited through promises of good wages but subsequently forced to work under exploitative conditions. Trafficking for labour may occur in agriculture, construction, domestic work, manufacturing, hospitality and other informal sectors.

Child Trafficking

Children are especially vulnerable because they have limited ability to protect themselves. They may be trafficked for labour, begging, sexual exploitation, domestic work or other forms of exploitation. Government measures specifically recognise the need to protect children from trafficking and exploitation.

Domestic Servitude

Some victims, particularly women and children, may be employed as domestic workers and subjected to excessive working hours, physical abuse, withholding of wages and restrictions on movement.

Trafficking for Begging

Children and vulnerable persons may be forced into begging. The exploitation of children for begging is particularly harmful because it deprives them of education, childhood and personal freedom.

Trafficking for Forced Marriage and Other Exploitation

In some situations, women and girls may be trafficked through fraudulent marriage arrangements or sold for forced marriage. Other forms of exploitation may include slavery-like practices and forced removal of organs.

4. Causes of Human Trafficking in India

Human trafficking has multiple causes. Poverty is one of the most important factors because economically vulnerable families may accept apparently attractive employment or migration opportunities without being able to verify them.

Poverty and Unemployment

Poor families may be easily attracted by promises of employment and higher wages. Traffickers exploit this economic vulnerability by offering false employment opportunities.

Lack of Education and Awareness

People with limited education may not recognise fraudulent recruitment practices. Lack of awareness regarding safe migration, employment contracts and legal rights increases vulnerability.

Gender Inequality

Women and girls can face discrimination, domestic violence, limited employment opportunities and social disadvantages. These conditions may make them more vulnerable to traffickers.

Unsafe Migration

Migration for employment can increase vulnerability when migrants lack proper documentation, information and support. Traffickers may use intermediaries and placement agencies to exploit migrants.

Social Exclusion

Persons belonging to economically and socially disadvantaged communities may face greater vulnerability because of limited access to education, employment, legal assistance and social protection.

Demand for Cheap Labour and Commercial Sexual Exploitation

The demand for cheap labour and commercial sexual exploitation creates economic incentives for trafficking networks. Effective prevention therefore requires action not only against traffickers but also against exploitative markets.

Natural Disasters, Conflict and Social Disruption

Displacement caused by disasters, migration and other social disruptions can make individuals more vulnerable because they may lose family support, employment and access to social services.

5. Consequences of Human Trafficking

Human trafficking has severe consequences for individuals, families and society.

Victims can suffer physical injuries, psychological trauma, sexual abuse, malnutrition and loss of personal freedom. Children may lose opportunities for education and healthy development. Forced labour may result in extremely poor working and living conditions.

At the family level, trafficking can cause separation, financial difficulties and emotional suffering. At the social level, trafficking contributes to organised crime, exploitation, inequality and violation of human dignity.

Trafficking also creates economic losses because victims are deprived of fair employment and productive opportunities. Therefore, combating trafficking is not only a law-and-order issue but also an important part of social and economic development.

6. Constitutional and Legal Measures Taken by the Government of India

The Constitution provides an important foundation for combating trafficking. **Article 23(1)** prohibits trafficking in human beings and forced labour.

The **Immoral Traffic (Prevention) Act, 1956 (ITPA)** is an important legislation dealing with trafficking for commercial sexual exploitation. The law provides for measures relating to prostitution and protective homes.

The **Protection of Children from Sexual Offences Act, 2012 (POCSO)** provides a specialised legal framework for protecting children from sexual abuse and exploitation.

The **Bonded Labour System (Abolition) Act, 1976** is relevant to situations involving bonded labour and exploitation.

The **Prohibition of Child Marriage Act, 2006** and legislation dealing with child labour also contribute to protecting children from circumstances that can facilitate exploitation and trafficking.

Bharatiya Nyaya Sanhita, 2023

An important recent development is the implementation of the Bharatiya Nyaya Sanhita, 2023, from **1 July 2024**. Section 143 specifically deals with trafficking of persons.

The law provides rigorous imprisonment of at least seven years, which may extend to ten years, for trafficking. Where more than one person is trafficked, punishment may extend to life imprisonment.

Trafficking of a child attracts imprisonment of at least ten years, which may extend to life imprisonment. The law also provides enhanced punishment in specified circumstances, including trafficking of more than one child and involvement of a public servant or police officer.

This represents an important strengthening of the criminal-law framework because the legislation clearly identifies trafficking and different aggravated circumstances.

7. Anti-Human Trafficking Units

The Ministry of Home Affairs has established an **Anti-Trafficking Cell** to strengthen the law-enforcement response to trafficking. The Cell coordinates with various ministries and provides guidance to States and Union Territories. It also supports awareness and sensitisation programmes involving police officers, judicial officers and other stakeholders.

The Government of India has also provided financial assistance to States and Union Territories for establishing and strengthening **Anti-Human Trafficking Units (AHTUs)**. Since police and public order are State subjects, State Governments have primary responsibility for prevention, investigation and prosecution, while the Central Government supplements their efforts through financial assistance, guidelines and coordination.

AHTUs are important because trafficking cases frequently require specialised investigation, victim identification and coordination between police, social welfare agencies and other departments.

8. Ujjawala Scheme and Victim Rehabilitation

The Government has recognised that punishment of traffickers alone is insufficient. Victims need shelter, medical care, counselling, legal assistance, education and livelihood opportunities.

The **Ujjawala Scheme** was designed for prevention of trafficking and for the rescue, rehabilitation, reintegration and repatriation of victims of trafficking for commercial sexual exploitation. It included provisions for shelter, food, counselling, medical and legal assistance and vocational training.

The Government later brought the Ujjawala and Swadhar Greh approaches within **Mission Shakti**, following evaluation and recommendations for greater integration and improved implementation.

9. Shakti Sadan under Mission Shakti

Under the present Mission Shakti framework, **Ujjawala Homes and Swadhar Greh have been merged into Shakti Sadan**, an integrated relief and rehabilitation facility for women in difficult circumstances, including trafficked women. Shakti Sadan provides shelter, food, clothing, counselling, primary health facilities and other essential support. Vocational training and assistance such as opening bank accounts are also provided through convergence with relevant departments.

The integration of services is significant because trafficking survivors often require long-term support rather than only immediate rescue. Rehabilitation must help survivors regain economic independence and social confidence.

10. Inter-State and International Cooperation

Human trafficking frequently crosses district and state boundaries. Therefore, effective prevention requires coordination among police forces and government departments.

The Ministry of Home Affairs has issued advisories concerning inter-State coordination, child trafficking, foreign nationals and organised trafficking. It has also supported conferences and judicial colloquiums to improve understanding among police, prosecutors and judicial officers.

India has also undertaken international cooperation. The Ministry of Home Affairs states that India has signed agreements or memoranda with countries including Bangladesh, the United Arab Emirates and Cambodia concerning prevention of human trafficking and has ratified the United Nations Convention against Transnational Organized Crime protocol relating to trafficking in persons.

Such cooperation is important for cross-border rescue, investigation, information sharing and repatriation of victims.

11. Awareness and Capacity Building

Prevention is an important component of India's anti-trafficking strategy. Government agencies have issued advisories and organised training and sensitisation programmes for police, judicial officers and other stakeholders.

Awareness programmes should educate people about fraudulent employment offers, unsafe migration, child trafficking and illegal placement agencies. The Government has also issued advisories concerning placement agencies and the role of labour authorities in identifying potential exploitation.

The involvement of schools, colleges, Panchayats, self-help groups, NGOs and local communities can strengthen prevention because trafficking frequently begins with local recruitment.

12. Challenges in Combating Human Trafficking : Despite significant government measures, several challenges remain.

First, **under-reporting** is a major concern. Victims may be afraid of traffickers or may not know where to seek help.

Second, **identification of victims** can be difficult. Some victims may initially appear to be migrant workers, domestic workers or persons voluntarily engaged in particular activities.

Third, **inter-state coordination** remains essential because trafficking networks can operate across several jurisdictions.

Fourth, **prosecution can be complex** because evidence may be difficult to collect, victims may be unwilling or unable to testify, and criminal networks may involve multiple intermediaries.

Fifth, **rehabilitation requires long-term support**. Rescue alone does not guarantee successful reintegration. Survivors may return to poverty and vulnerability if they do not receive education, employment, counselling and social support.

Sixth, **digital technology has created new risks**. Recruitment can increasingly occur through online advertisements, social media and messaging platforms. Therefore, law-enforcement agencies need appropriate cyber-investigation capabilities.

13. Suggestions for Strengthening Anti-Trafficking Measures

The following measures can further strengthen India's response:

- a) **Strengthen AHTUs** by providing adequate staff, training, technology and financial resources.
- b) **Improve inter-State coordination** through faster information sharing and joint investigations.
- c) **Strengthen victim identification mechanisms** at railway stations, bus terminals, workplaces and other vulnerable locations.
- d) **Regulate recruitment and placement agencies** more effectively and take action against fraudulent agencies.
- e) **Expand awareness programmes** in rural and economically vulnerable communities.
- f) **Strengthen rehabilitation** through education, skill development, employment and financial inclusion.
- g) **Provide psychological counselling** to trafficking survivors as part of long-term rehabilitation.
- h) **Improve child protection systems** and strengthen coordination among police, Child Welfare Committees, schools and local authorities.
- i) **Use technology responsibly** to identify trafficking networks and fraudulent recruitment.
- j) **Improve conviction rates** through specialised investigation, better evidence collection and victim-sensitive judicial procedures.
- k) **Strengthen international cooperation** for cross-border trafficking cases.
- l) **Promote community participation** involving Panchayats, NGOs, women's groups, youth organisations and educational institutions.

The Government's current Mission Shakti framework itself emphasises coordination between Shakti Sadan, One Stop Centres, Anti-Human Trafficking Units, Women Help Desks, NGOs, community groups and local stakeholders for prevention and rescue.

Conclusion

Human trafficking is a serious threat to human dignity, freedom, equality and social development. It affects individuals through physical, sexual, economic and psychological exploitation and can have long-term consequences for victims and their families. Poverty, unemployment, gender inequality, lack of education, unsafe migration and social vulnerability are among the major factors that facilitate trafficking.

India has developed a broad framework to combat the problem. Constitutional protection under Article 23, the Immoral Traffic (Prevention) Act, POCSO, laws relating to bonded labour and child protection, and the newer Bharatiya Nyaya Sanhita provide legal support for prevention and prosecution. The establishment of Anti-Trafficking Cells and Anti-Human Trafficking Units has strengthened the law-enforcement response. At the same time, programmes such as Ujjawala and the present Shakti Sadan framework under Mission Shakti focus on rescue, shelter, rehabilitation, counselling and economic reintegration.

The Bharatiya Nyaya Sanhita, 2023, has further strengthened the criminal-law framework by specifically defining trafficking under Section 143 and providing severe punishment, particularly in cases involving children, multiple victims and certain public officials.

However, legal provisions alone cannot eliminate trafficking. A successful strategy requires prevention, effective law enforcement, victim-centred rehabilitation, community awareness, employment opportunities, safe migration systems and strong coordination between Central and State Governments. Greater participation by educational institutions, civil society organisations, local communities and responsible employers is also necessary.

Therefore, the long-term objective should be to create an environment in which vulnerable persons have access to education, decent employment, social security and safe migration opportunities. At the same time, traffickers and exploitative networks must face swift and effective legal action. A coordinated approach combining **prevention, protection, prosecution and rehabilitation** is essential for making India safer and more equitable and for protecting every person's fundamental right to dignity and freedom.

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